



SEN. EMILY ANN CAIN, SENATE CHAIR  
REP. CHUCK KRUGER, HOUSE CHAIR

MEMBERS:

SEN. ROGER KATZ  
SEN. DAVID C. BURNS  
SEN. MARGARET M. CRAVEN  
SEN. CHRISTOPHER K. JOHNSON  
SEN. EDWARD M. YOUNGBLOOD  
REP. PAUL T. DAVIS, SR.  
REP. ANDREA M. BOLAND  
REP. H. DAVID COTTA  
REP. LANCE E. HARVELL  
REP. MATTHEW J. PETERSON

MAINE STATE LEGISLATURE  
GOVERNMENT OVERSIGHT COMMITTEE

To: The Honorable John J. Cleveland Senate Chair  
The Honorable Barry J. Hobbins, House Chair  
And Members of the Energy, Utilities and Technology Committee

From: Senator Emily Ann Cain, Senate Chair  
Representative Chuck Kruger, House Chair  
Government Oversight Committee

Date: January 6, 2014

Re: Requesting Your Input on Matters Pertaining to the PUC

In September 2013, the Office of Program Evaluation and Government Accountability (OPEGA) released a report on the Public Utilities Commission. A printed copy of the report was distributed to members of the EUT Committee at that time. At the GOC's meeting in October 2013, we held a Public Comment period on that report and heard comments from eight citizens on matters that were both within and outside the scope of OPEGA's review. The GOC further considered OPEGA's report and the Public Comment input at our work session on December 12, 2013.

GOC members are concerned about the issues raised in OPEGA's report and through the Public Comment period, some of which seem to be broader policy issues and/or which may require changes to statute or rules to address. We continue to consider what actions to take with regard to these matters in the upcoming session and are requesting the EUT Committee's input by Thursday, February 13, 2014. We are specifically interested in:

1. whether EUT anticipates addressing any of these matters in bills pending before EUT in the second session of the 126<sup>th</sup> Legislature;
2. whether any of these matters are also concerning to EUT and, if so, what actions EUT feels would be appropriate to address them; and
3. whether it would be helpful for the GOC to provide a vehicle, in the form of a bill, to allow EUT to propose action, as warranted, on any or all of those matters.

The matters of concern we are seeking your input on include those contained in OPEGA's report. The report has six recommendations directed to the PUC. Enclosed is the most recent status report from the PUC on actions being taken, or planned, to address those recommendations which are:

- PUC should explore ways to assist consumers appearing pro se in Commission proceedings.
- PUC should continue to improve the usability and accessibility of its on-line case file system.

- PUC should clarify how different types of information submitted in a case can be used in the Commission's decision-making.
- PUC should take steps to address the need for time extensions in ten-person complaints.
- PUC should establish a more structured approach for identifying and addressing issues potentially affecting multiple consumers.
- PUC should take additional steps to minimize risk of actual or perceived bias in its regulatory activities.

The report also includes a recommendation that the Legislature consider revisions to PUC's statute to address both the risk and perception of bias. Suggested potential revisions include:

- increasing the number of Commissioners;
- requiring certain interests be represented on the Commission;
- requiring Commissioners to have certain qualifications; and
- creating independent advocates within the PUC to represent contrarian viewpoints.

Other issues raised during the Public Comment period that, while not specifically within the scope of the OPEGA report, were of concern to us are:

Sworn Testimony - Exploring ways to increase accessibility for people who wish to provide sworn testimony at PUC proceedings by enabling remote swearing in either by telephone or video.

Evidence in Cases - Ensuring equitable consideration of evidence filed in PUC cases by clarifying early in cases what types and sources of information can be brought in as evidence and ensuring there is consistency in allowable evidence decisions from case to case.

Safe EMF Levels – Establishing a consistent, rational standard for PUC to use in determining what constitutes safe levels of Electromagnetic Field (EMF) exposure so as to protect people living and working near high voltage transmission lines.

Confidential Documents – Ensuring as much information as practicable is available to the public in cases where confidential documents are filed, perhaps by requiring the posting or distribution of brief descriptions of the contents of confidential documents to better inform the public.

Public Health – Ensuring clear expectations and appropriate duties are established in statutes governing the PUC and the Office of Public Advocate to guide these agencies in considering factors other than consumer cost, such as public health, in cases before the PUC.

As previously mentioned, we respectfully request the EUT Committee's input on these matters by February 13, 2014. OPEGA Director Beth Ashcroft is available to meet with EUT to provide you with additional detail on this request and the areas of concern. Please contact either Director Ashcroft or us if you have any questions.

Enclosure

cc: Jean Guzzetti, Analyst Office of Policy and Legal Analysis  
 Thomas Welch, Chair Public Utilities Commission  
 Timothy Schneider, Public Advocate  
 Members of the Government Oversight Committee